

03-04-12



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing*  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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Number: EL 758644034 US Date of Deposit: February 28, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231, on February 28, 2002.

Typed or Printed Name: Darryl Kriner

Signed:

<b>Address to:</b>  Assistant Commissioner for Patents Box CPA Washington, DC 20231	<b>Attorney Docket No.</b>	A-65680-4/RFT/SPL
	<b>First Named Inventor</b>	Thomas Haaf
	<b>Examiner Name</b>	J. Brusca
	<b>Group/Art Unit</b>	1631
	<b>Express Mail Label No.</b>	EL 758644034 US

This is a request for  continuation or  divisional application under 37 C.F.R. § 1.53(d),(continued prosecution application (CPA)) of prior application number 09/181,027filed on October 27, 1998, entitled Methods and Compositions Utilizing Rad51**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14805 (Mar. 20, 2000); 1233 Off. Gaz. Pat. Office (April 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 C.F.R. §1.78(a).

1.  Enter the unentered amendment previously filed on October 25, 2000 under 37 C.F.R. §1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
 .....  
 ....

- b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed

5. Information Disclosure Statement (IDS) is enclosed:

a.  PTO-1449 03/05/2002 TGEDAMU1 00000152 09181027

b.  Copies of IDS Citations 02 FC:231 370.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	Total Claims (37 C.F.R. § 1.16(c) or (j))	14 -20 =	0	X \$ 18	\$ 0
	Independent Claims (37 C.F.R. § 1.16(b) or (i))	2 -3 =	0	X \$ 84	\$ 0
	Multiple dependent claims (if applicable) (37 C.F.R. § 1.16(d))			+ \$ 280	\$ 0
				BASIC FEE (37 C.F.R. § 1.16)	\$ 740
			TOTAL OF ABOVE CALCULATIONS =		\$ 740
	Reduction by 50% for filing by small entity. (Note 37 C.F.R. 1.27).				\$ 370
				TOTAL =	\$ 370

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. A-65680-4/RFT/SPL)
- Fees required under 37 C.F.R. § 1.16.
  - Fees required under 37 C.F.R. § 1.17.
  - Fees required under 37 C.F.R. § 1.18
8.  Check No. 39849 in the amount of \$370.00 is enclosed.  
Check No. 39850 in the amount of \$980.00 is enclosed.
9.  Other: Petition For Extension of Time [5 Months]  
Return postcard
10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11.  Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

**NOTE:** The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

#### 10. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> or <input checked="" type="checkbox"/> New correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111 Telephone: 415 781 1989 Fax: 415 398 3249	Name (Print/Type)	Richard F. Trecartin, Esq.
	Signature	
	Registration No. (Attorney/Agent)	31,801
	Date	February 28, 2002